

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

RC Law Group, PLLC  
285 Passaic Street  
Hackensack, NJ 07601  
(201) 282-6500  
dkohn@rclawgroup.com  
Attorneys for Debtor

**In Re:**

**Andrew Samuel Mackey**

**Debtor**

**Case No:** 8-16-73975-ast

**Chapter:** 13

**Notice of Motion to Set Aside  
Order of Dismissal and To  
Restore Debtor's Chapter 13  
Case**

**Hearing Date:** 11/15/2016

**Time:** 9:30 AM

**ORAL ARGUMENT IS WAIVED  
UNLESS OPPOSITION IS TIMELY  
FILED**

**To:**

Clerk of the Court  
United States Bankruptcy Court  
Eastern District of New York  
Alfonse M. D'Amato Federal Courthouse  
290 Federal Plaza  
Central Islip, New York 11722

United States Trustee  
Long Island Federal Courthouse  
560 Federal Plaza - Room 560  
Central Islip, NY 11722-4437

Ms. Marianne DeRosa  
Standing Chapter 13 Trustee  
125 Jericho Turnpike  
Suite 105  
Jericho, NY 11753

**PLEASE TAKE NOTICE** that on the 15<sup>th</sup> day of **November, 2016** at **9:30 AM**, or as soon thereafter as counsel may be heard, the undersigned attorneys for Debtor, Andrew Samuel Mackey, (“Debtor”), by and through his counsel, RC Law Group, PLLC, will move before the Honorable Alan S. Trust, at the **United States Bankruptcy Court for the Eastern District of New York, located at 290 Federal Plaza, Central Islip, NY 11722, Courtroom 960.** The relief sought will be an Order of the Bankruptcy Court pursuant to Federal Rules of Bankruptcy Procedure Rules 9023 & 9024 and Local Rule 9023-1, to Set Aside the Order of Dismissal entered in this case on October 18, 2016, and to Restore the Debtor’s Chapter 13 Case.

This motion is based upon the annexed Motion, oral argument of counsel (if opposed), testimony and such other evidence as may be adduced at the time of the hearing (if opposed).

**Oral argument is waived unless opposition is timely filed.**

A Proposed Form of Order is submitted herewith.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one, in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not wish the Court to allow the relief stated above or if you want the Court to consider your views on the motion, then within seven (7) days prior to the scheduled hearing you or your attorney must:

File a written response in opposition to this motion explaining your position(s) and send it to:

Clerk of the Court  
United States Bankruptcy Court  
Eastern District of New York  
Alfonse M. D'Amato Federal Courthouse  
290 Federal Plaza  
Central Islip, New York 11722

United States Trustee  
Long Island Federal Courthouse  
560 Federal Plaza - Room 560  
Central Islip, NY 11722-4437

Ms. Marianne DeRosa  
Standing Chapter 13 Trustee  
125 Jericho Turnpike  
Suite 105  
Jericho, NY 11753

Mr. Daniel Kohn  
RC Law Group PLLC  
285 Passaic Street  
Hackensack, NJ, 07601

If you mail your response to the Court for filing you must mail it early enough so the Court will receive it on or before the date stated above.

**IF YOU OPPOSE THE RELIEF REQUESTED HEREIN YOU SHOULD  
ATTEND THE HEARING SCHEDULED TO BE HELD BEFORE:**

Hon. Alan S. Trust  
Date: November 15, 2016  
Time: 9:30 AM  
Place: United States Bankruptcy Court  
Eastern District of New York  
290 Federal Plaza, Central Islip, NY 11722

Courtroom 960

If you wish to contest the within motion, you must file with the Office of the Clerk of the Bankruptcy Court, responding papers stating with particularity the basis of your opposition to the within Motion. A copy of the proposed Order which is sought is enclosed with this motion.

If you, or your attorney, do not take these steps, the Court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Dated: October 27, 2016

By: /s/ Daniel Kohn

Daniel Kohn  
RC Law Group PLLC  
285 Passaic Street  
Hackensack, NJ 07601  
Tel: (201) 282-6500  
Fax: (201) 282-6501  
Email: dkohn@rclawgroup.com